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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/527,770	03/11/2005	Werner Goertz	112740-1062	5187
29177 7590 09/26/2007 BELL, BOYD & LLOYD, LLP P.O. BOX 1135 CHICAGO, IL 60690				
			EXAMINER LY, NGHI H	
			ART UNIT 2617	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/527,770

Applicant(s)

GOERTZ ET AL.

Examiner

Nghi H. Ly

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 26 July 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 19-36 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 19-36 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

2. Claims 19, 20, 22-25, 27-29, 31-34 and 36 are rejected under 35 U.S.C. 102(a) as being anticipated by Gustafsson (US 6,424,841).

Regarding claims 19 and 28, Gustafsson teaches a method for sending and receiving service messages to and from a service center (see Title and Abstract), the method comprising: setting up a telecommunications call to the service center via a telecommunications device (see fig.1A, see two-way wireless connections between items 12 and 18, and column 11, lines 48-57, see "place a phone call"), initiating, by the service center, a first session via the telecommunications call set-up (see fig.1B and see column 2, line 55 to column 4, line 28), sending, via the telecommunications device and in the first session, a first service message to the service center (see fig.1B and see column 2, line 55 to column 4, line 28), receipt of which is acknowledged by the service center (see column 9, lines 21-27), initiating, acknowledgment by the telecommunications device and as a result of by the service center (see column 9, lines 21-27), a second session via the telecommunications call set-up (see fig.1A, see two-way wireless connections between items 12 and 18, and column 11, lines 48-57, see "place a phone call"), sending, by the service center and in the second session (see

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column 2, line 66 to column 4, line 28), at least one second service message to the telecommunications device, receipt of which is acknowledged by the telecommunications device (see Abstract, column 2, line 55 to column 3, line 27, see column 3, lines 3-11, column 3, lines 28-39, column 7, line 26 to column 8, line 3, column 13, line 43 to column 14, line 17), and releasing (see column 15, line 10-14, column 15, lines 35-38), and releasing (see column 15, line 10-14, column 15, lines 35-38, see "complete and ends"), by the service center and as a result of acknowledgement by the telecommunications device (see column 15, line 10-14, column 15, lines 35-38), the second session so as to clear down the telecommunications call (see column 15, line 10-14, column 15, lines 35-38, see "complete and ends").

Regarding claims 20 and 29, Gustafsson teaches a duration of the second session is monitored by the telecommunications device (see column 7, lines 38-41).

Regarding claims 22 and 31, Gustafsson teaches the method further comprising requesting by the telecommunications device (see column 2, lines 14-24), with the first service message in the first session (see column 2, line 66 to column 4, line 28), downloadable information content which is one of stored in the service center, made available by the service center and procured by the service center (see column 12, lines 54-58 and column 13, lines 7-9).

Regarding claim 23, Gustafsson teaches the method further comprising transmitting to the telecommunications device by the service center (see fig. 1A, column 2, line 66 to column 4, line 28), with the second service message in the second session,

the information content requested (see column 2, line 66 to column 4, line 28).

Regarding claims 24, 33 and 34, Gustafsson teaches the first service message is one of a short message according to a Short Message Service and a multimedia message according to a Multimedia Message Service (see Title and column 3, lines 11-27).

Regarding claim 25, Gustafsson teaches the second service message is one of a short message according to a Short Message Service and a multimedia message according to a Multimedia Message Service. Regarding claim 24, Gustafsson teaches the.

Regarding claim 27, Gustafsson teaches a mobile telephone is used as the telecommunications device and a mobile radio call is used as the telecommunications call between the mobile telephone and the service center (see fig. 1A).

Regarding claim 32, Gustafsson teaches the second service message effects that, in the second session, the information content requested is transmitted to the telecommunications device by the service center (see column 2, lines 14-24).

Regarding claim 36, Gustafsson teaches the telecommunications device includes a mobile telephone, with a mobile radio connection connecting the mobile telephone and the service center (see fig. 1A).

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 21 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gustafsson (US 6,424,841) in view of Cain et al (US 2006/0034281A1).

Regarding claims 21 and 30, Gustafsson teaches a method for sending and receiving service messages to and from a service center (see Abstract). Gustafsson does not specifically disclose the duration is 60 seconds.

Cain teaches the duration is 60 seconds (see [0060]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Cain into the system of Gustafsson in order to provide a method for receiver access control in a multicast communication network (see Cain, Abstract).

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6. Claims 26 and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gustafsson (US 6,424,841) in view of Iyengar et al (US 6,546,241).

Regarding claims 26 and 35, Gustafsson teaches a method for sending and receiving service messages to and from a service center (see Abstract). Gustafsson does not specifically disclose the telecommunications device is one of a cordless telephone with a cordless base station and at least one cordless handset, and a corded telephone, and a fixed network connection is used as the telecommunications call between the respective telephone and the service center.

Iyengar teaches the telecommunications device is one of a cordless telephone with a cordless base station and at least one cordless handset, and a corded telephone, and a fixed network connection is used as the telecommunications call between the respective telephone and the service center (see Abstract and column 1, line 65 to column 2, line 19).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Iyengar into the system of Gustafsson in order to provide a method for decoding the encoded digital message in the accessing device (see Iyengar, Abstract).

### ***Response to Arguments***

7. Applicant's arguments filed 07/26/07 have been fully considered but they are not persuasive.

On page 7 of applicant's remarks, applicant argues that Gustafsson does not teach initiating, acknowledgment by the telecommunications device and as a result of by the service center, a second session via the telecommunications call set-up, sending, by the service center and in the second session, at least one second service message to the telecommunications device, receipt of which is acknowledged by the telecommunications device, and releasing, by the service center and as a result of acknowledgement by the telecommunications device, and releasing, by the service center and as a result of acknowledgement by the telecommunications device, the second session so as to clear down the telecommunications call.

In response, Gustafsson does indeed teach initiating, acknowledgment by the telecommunications device and as a result of by the service center (see Abstract, column 2, line 55 to column 3, line 27, column 9, lines 21-27, column 13, line 43 to column 14, line 17); a second session via the telecommunications call set-up (see fig.1A, see two-way wireless connections between items 12 and 18, and column 11, lines 48-57, see "place a phone call"), sending, by the service center and in the second session (see column 2, line 66 to column 4, line 28), at least one second service message to the telecommunications device, receipt of which is acknowledged by the telecommunications device (see Abstract, column 2, line 55 to column 3, line 27, see column 3, lines 3-11, column 3, lines 28-39, column 7, line 26 to column 8, line 3, column 13, line 43 to column 14, line 17), and releasing (see column 15, line 10-14, column 15, lines 35-38, see "complete and ends"), by the service center and as a result of acknowledgement by the telecommunications device (see Abstract, column 2, line 55



to column 3, line 27, see column 3, lines 3-11, column 3, lines 28-39, column 7, line 26 to column 8, line 3, column 13, line 43 to column 14, line 17), and releasing (see column 15, line 10-14, column 15, lines 35-38), the second session so as to clear down the telecommunications call (also see column 15, line 10-14, column 15, lines 35-38).

On page 8 of applicant's remarks, applicant argues that Gustafsson does not teach initiating, acknowledgment by the telecommunications device and as a result of by the service center, a second session via the telecommunications call set-up.

In response, Gustafsson does indeed teach initiating, acknowledgment by the telecommunications device and as a result of by the service center (see Abstract, column 2, line 55 to column 3, line 27, see column 3, lines 3-11, column 3, lines 28-39, column 7, line 26 to column 8, line 3, column 13, line 43 to column 14, line 17), a second session via the telecommunications call set-up (see fig.1A, see two-way wireless connections between items 12 and 18, and column 11, lines 48-57, see "place a phone call").

### ***Conclusion***

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the

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shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nghi H. Ly whose telephone number is (571) 272-7911. The examiner can normally be reached on 9:30am-8:00pm Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Appiah can be reached on (571) 272-7904. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Nghi H. Ly

